

## UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

John Paul Durant

Date of Original Judgment: 09/28/2022

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

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Case No: 0419 3:21CR00277-001USM No: 33925-058

Pro Se

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)


Except as otherwise provided, all provisions of the judgment dated 09/30/2022, shall remain in effect.

**IT IS SO ORDERED.**

Signed: February 8, 2024

Effective Date: \_\_\_\_\_

(if different from order date)

  
 Frank D. Whitney  
 United States District Judge

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

DEFENDANT: John Paul DurantCASE NUMBER: 0419 3:21CR00277DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**Previous Total Offense Level: 19Amended Total Offense Level: 19Criminal History Category: VCriminal History Category: VPrevious Guideline Range: 57 to 71 monthsAmended Guideline Range: 57 to 71 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)**

Under United States Sentencing Guideline Amendment 821, Defendant now earns one status point towards his criminal history score instead of two status points, resulting in a total of 11 criminal history points instead of 12. With that one-point reduction, Defendant's criminal history category remains a category V. Because the application of Amendment 821 does not change the criminal history category or total offense level the Court used to determine Defendant's sentence, his guideline range remains 57 to 71 months and he is not eligible for a reduced sentence under the Amendment.